

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

In re:

LORI C. DUKE

Debtor.

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Case No.: 10-23887
Chapter 13

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MOTION TO EXTEND AUTOMATIC STAY

Debtor, by counsel, seeks an extension of the automatic stay pursuant to 11 U.S.C. §362(c)(3)(B), and in support thereof states:

1. Debtor filed Chapter 13 case number 10-10073 on January 4, 2010. Debtor's case was dismissed on the trustee's motion on April 15, 2010, for ineligibility pursuant to 11 U.S.C. §109(e).

2. Debtor filed the instant proceeding on June 21, 2010. The filing invoked an automatic stay of proceedings which will expire on July 21, 2010, unless extended prior to that date. 11 U.S.C. §362(c)(3)(A).

3. Debtor requests that the automatic stay be extended for the duration of this proceeding.

4. Debtor commenced this proceeding in good faith.

5. 11 U.S.C. §362(c)(3)(C) creates a rebuttable presumption that certain cases are not filed in good faith. That presumption does not apply in this case and is rebutted by the following facts.

A. Only one prior proceeding involving this Debtor has been pending during the past year. 11 U.S.C. §362(c)(3)(C)(i)(I).

B. Debtor's previous case was not dismissed for failure to file documents required by the Court. 11 U.S.C. §362(c)(3)(C)(i)(II)(aa).

C. Debtor previous case was a joint filing with her husband and included the debts of both parties. The instant case is individually filed and the scheduled debts and filed claims are within the limitations imposed by 11 U.S.C. § 109(e).

D. Further, the Debtor's circumstances have changed in that she now has employment and receives regular income. The Debtor's change in circumstances make her able to fund her proposed Chapter 13 Plan.

WHEREFORE, the automatic stay should be extended for the duration of this proceeding.

Respectfully submitted,

/s/Jeffrey M Sirody
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Counsel for Debtor

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this, the 7th day of July 2010, a copy of the foregoing Motion to Extend Automatic Stay and proposed Order was mailed first-class, postage prepaid to all Creditors on the attached Mailing Matrix which was taken from the Court's website, and electronically served upon, Gerard R. Vetter, Chapter 13 Trustee, and the United States Trustee.

/s/
Jeffrey M. Sirody, Esquire